

Indian Chieftain.

One Dollar a Week Per Year.

Published Thursday by
THE INDIAN CHIEFTAIN PUBLISHING COMPANY.

VINITA, I. T., AUGUST 6, 1885.

GENERAL GRANT'S funeral will occur Saturday and will without doubt be the most imposing spectacle ever seen in this country.

The chief law officer of the United States, the attorney general, says the Cherokee lease is without a shadow of authority. Should the government see fit to terminate it, what will the Cherokee nation do in the premises? Of course we are an independent, sovereign nation, but how are we to help ourselves?

W. A. PHILLIPS says we owe the government nothing and that guileless institution at Tahlequah implores the people to accept the statement as true. The interior department declares that we have received over \$300,000 in excess of what was required to pay for lands sold for friendly Indians. Which statement is entitled to the greatest confidence?

THE CHIEFTAIN wants the moral and financial support of every upright man in the Cherokee nation and by an honest and upright course it proposes to deserve the same. If you wish to be identified with the work of progress in which the paper is engaged, or if you are in sympathy with it, send us your names and cash. The election is over, but our campaign has only just begun.

THE Cherokee Advocate says that to allow the state of Texas to maintain her claim to Greer county, which it thinks should form a part of the Indian Territory, would "destroy the autonomy of both state and territory." The editor of that sheet seems to have an extremely hazy idea of the meaning of the word autonomy, which he thus uses as synonymous with "symmetry."—Independence Star and Kansan.

"Hazy" is a good word in its place but hardly wishy-washy enough to indicate the normal condition or the calibre of that man's ideas—if any he has.

INDEPENDENCE, Kansas, is situated just without the confines of the Cherokee nation and the citizens of the nation visit there every day. Our trade is one of the chief elements which have brought success to that town. In the face of these facts the Star and Kansan, published there, talks about the extinction of the Indians as glibly and hopefully as they would the approach of an Uncle Tom's Cabin company. Cheyennes or Cherokees, they are Indians still and the present standing of the latter is possible for the former. Rather than talk of their extinction had you not better advocate their elevation to a condition of self support and usefulness?

WHAT DOES THIS MEAN?
In Chief Bushyhead's interview at Kansas City (the part that was not sent to the world by telegraph) he said: "Sooner or later it will be best for the Indians to own their property in severalty." Had anybody else in the Cherokee nation expressed such a sentiment, the Advocate would have devoted the major part of its succeeding issue to abusing him. Our chief seems fearless as a lion of criticism from this source.

A COMMUNICATION FROM MR. ALBERT.

OWALDA, I. T., July 27, 1885.
EDITORS CHIEFTAIN.—Please publish the following, as it may be of benefit to some stockman who contemplates shipping cattle. On the 20th of July I shipped 43 head of steers and 1 cow to the firm of Daly, Miller & Co., St. Louis. Twenty-one steers weighed 906-2-3 pounds each for which I received \$3.00 per hundred, and 22 steers weighed 823-2-3 pounds each for which I received \$2.85 per hundred. For the one cow weighing 790 pounds I received \$2.00 per hundred. Now these steers were two and three years old and were as good as any cattle of the kind that are to be found in this country. When my cattle arrived at the stock yards there were scarcely any cattle on the market and for this reason alone should have brought better prices. When I asked for an explanation why the prices on my cattle were so low, the salesman looked as much as to say, "You had better be glad to get anything," and would give me no explanation at all. Now the firm of Daly, Miller & Co. just beat me out of over \$400.00 on two car loads. In a St. Louis paper I see the sales of the 22nd, of the same number, kind, and weight of mine brought four cents per pound. There is another party in this country who was swindled by the same firm. My reason for publishing this is that it may save other cowmen from the same kind of losses, and I advise all shippers to keep clear of Daly, Miller & Co. of the St. Louis National Stock Yards. Respectfully,
GEORGE ALBERT.

LAST MONDAY'S ELECTION.

A Heavy Vote Pooled—The Returns as far as Received.

Up to this (Thursday) morning returns from last Monday's election have been received from five of the nine districts. So far as we could learn a heavy vote was pooled at most of the precincts. The officers elected were:

COOKEVILLE DISTRICT.

Senate—D. W. Lipe, S. H. Mayes.

Council—George Mayes, Nelson Foreman, Albert Morris, James Walker, Simon Secord, Mamma Daniels and George Bibbes.

District Judge—Watt Starr.

Clerk—W. V. Carey.

Sheriff—Ed Sanders.

Solicitor—Jesse Cochran.

DELAWARE DISTRICT.

Senate—L. B. Bell, William Henderson.

Council—Ben. Choteau, J. L. Thompson, William Howell, Frank Larmer, John Miller, Alex Hawk.

District Judge—J. L. Ward.

Clerk—T. J. McGee.

Sheriff—B. S. Landrum.

Solicitor—Sut Beck.

TAHLEQUAH DISTRICT.

Senate—Ned Greese, Albion Spears.

Council—Tom Hendricks, Coose Thompson, Ben Catcher, Mike Pritchett, George Downing.

District Judge—John Wolf.

Solicitor—George W. Benge.

Clerk—Allen Ross.

Sheriff—A. Terrell.

CANADIAN DISTRICT.

Senate—C. J. Harris, S. W. Gray.

Council—George Downing, Richard Crossland, Frank Grits and Henry Lowry.

District Judge—Stephen Hildebrand.

Clerk—Rocky Smith.

Sheriff—William Vann.

Solicitor—David Downing.

ILLINOIS DISTRICT.

Senate—John Cookston, Connell Rogers.

Council—Jack Walker Jr., Jack Brown, Bullet Foreman, Dick Waters, Jack Walkingstick.

District Judge—Jack Silver-smith.

Clerk—R. W. Walker.

Sheriff—John Brown.

Solicitor—Mart Benge.

Grand Council—Lewis Crapo, Anderson Grits.

From one end to the other these returns all tell the same story—PHILLIPS MUST GO. All save perhaps one of these senators are opposed to this man's robbing and thieving schemes, and one more can positively be depended upon from Sequoyah.

HIGHER EDUCATION.

Nearly two years ago I came to the Cherokee nation and was admitted to citizenship. I was proud and surprised to find such educational advantages as are to be found in the Cherokee nation. I am interested in its material wealth and development, interested in the maintenance of law and interested in all efforts to protect all our rights as a nation; but more than all I am interested in a higher education of the Cherokee boys and girls. For as the present and coming generation of the young are educated, just in that proportion will they be able to accumulate and control wealth and properly develop the country. If educated, the laws will not only be wise and good, but faithfully executed; and intellectual or mind power is the only power left the nation with which to defend her rights. Hence this plea for a higher education. Encourage the boys and girls, who seem disposed to go through, not only the course prescribed in the primary and academic schools of the nation, but to enter and go through the very highest institutions of the land. There they will gain a mind power and firm associations that will not only fit them for great usefulness at home, but powers and associations by which they can confidently hope to uphold and maintain all the dearest rights, and interests of the nation. The Cherokee nation needs men and women that are not only great at home, but great in Washington city or any other city, men who have intellectual height, breadth and depth, men who are the peers of any who stand on the floor of any senate chamber. To have these we must have the material, (and we certainly have some as promising young men and ladies as you find anywhere.) Then this material must have the very highest training in order to reach the highest intellectual greatness.

In the last two years there have been thirteen graduates from the two seminaries of the nation. The course at these institutions, as far as it goes, is excellent and it well qualifies for the ordinary duties of life. But the future of the Cherokee nation will make loud calls for men and women qualified for not only ordinary duties, but extraordinary ones. So to answer this call we shall need that the young men and women of to-day be given extraordinary advantages.

As a nation, I trust we heartily appreciate all that has been done

for us by United States citizens, both in national and missionary schools. Noble men and women have labored, whose good works will never be forgotten. But national pride if nothing higher should make us work and wish for the day to come when our own educated boys and girls shall manage our schools, and be able also to say to churches who have labored so long and spent so much missionary money among us, "We no longer have need of your missionary labor." In other words should we not work and wish for the time to come when we can say, "We are independent so far as running schools and churches are concerned?" This can never be till our people are educated beyond the present standard. As it is at present when some of the knowing ones of the United States come among us they are greatly surprised at our advancement, as the following will show:

Senator Ingalls, who has returned from the Indian Territory, whither he went with the sub-committee to investigate certain matters by order of the senate, speaks with enthusiasm of the condition of the civilized tribes. The senator is in Washington, and in an audience to a New York Sun reporter he said that the journey had enlightened him with regard to matters of which he had no previous appreciation, although he had once before passed through the Territory. The tribal government was democratic in form with the elective chief magistrate and an upper and lower house of legislature which assembled annually. There were courts with an elective judiciary, and convicted criminals were punished as in communities of whites. There is no law for the collection of debts, and, as the standard of commercial honor was high, none is needed. Fifty per cent. of the entire revenue of the Cherokees was spent for educational purposes. Wherever thirteen children could be gathered together, a school house was built and a teacher with ample qualifications was employed. Two colleges, one for each sex were maintained, the buildings being of noble proportions and all the appointments creditable. The tribal government not only furnished buildings and paid the teachers but clothed and fed the pupils.

Now Senator Ingalls did not know how well we were doing in point of education till he came among us. He can now speak with enthusiasm concerning our condition. If our present condition is a matter of surprise to those who come among us, what may it be ten years hence if the young men and women of the nation are urged to, and will avail themselves of the very highest educational advantages.

It is for this purpose that I am at present in this place; that I may give my sons the best advantages, two of whom had gone through the course prescribed by our national schools. Here I find one of the best schools and healthiest locations to my mind, west of the Mississippi. Board is very low and everything is as cheap as can be obtained at any first class school. Ten from the Territory have attended this school during the past year. Four of these were Cherokees, one Choctaw and five whites.

I am anxious to induce many of the young men and ladies to come here to school. I can be of help to them in many ways. I shall be pleased to correspond with and send catalogues to any who may desire a higher education.

G. T. THOMPSON,
Springfield, Mo.

A REMEDY SUGGESTED.

VINITA, C. N., August 2nd, 1885.

EDITORS CHIEFTAIN.—As it is now becoming customary to discuss political matters through the medium of your valuable journal perhaps you will grant space for an expression of my ideas, even though they conflict with those of the majority of your readers. In your last issue a correspondent signing himself "Como" introduces a subject of great importance. He starts off in the right direction regarding the intruder but the question with him is, how are we going to get rid of this unwelcome visitor, as congress, or rather the Indian department, (though in the past repeatedly appealed to by the various delegations we have sent to Washington) has offered no relief. I am of opinion that as we have assumed the authority to issue permits to non-citizens to work for us, instead of the Interior department which formerly did so and which alone claims the right to determine who are the proper parties to reside in the Indian territory, the department has concluded that as we are so very smart we can get rid of the intruders ourselves without its assistance. This being the case and finding ourselves powerless to act in the matter would it not be wiser to leave the authority to issue permits to the proper parties, i. e. the secretary to approve or make the same, if it exist at all, rests upon some law, and must therefore be derived from either a treaty or a statutory provision. I am not aware of any treaty provision applicable to the particular reservations in question that confers such powers. The revised statutes contain provisions regulating contracts or agreements with Indians and prescribing how they shall be executed and approved (section 2,103) but these provisions do not include contracts of the character described in section 2,116, hereinbefore mentioned. No general power appears to have been conferred by the statute upon either the president or the secretary, or other officer of the government to authorize or approve leases of lands held by Indian tribes, and the absence of

ry. That would be the means perhaps of giving us some relief, but I am afraid they have lost their prestige by the actions of the late "smart Alecks," Wolf, Phillips and Ross. I agree with "Como" as to the allotment of our lands, including the outlet. The old adage, however, would in our case be very appropos, "Half a loaf is better than no bread." If we could not have the outlet, let us divide what we have, for as "Como" says, if we let it remain in common much longer we will have but little to divide. The only point on which I disagree with "Como" is, if we allot our lands, instead of applying to the Cherokee nation for an individual patent, I think we had better procure one from the United States government as it would give greater security to the party in whose name it was recorded. A patent from the nation might be of as little value as the lease is likely to prove to the cattle kings. Very Respectfully,
Tom Howie.

THE INDIAN GRAZING LEASES.

Text of the Opinion of Attorney General Garland Declaring them Null and Void.

This question was referred by the secretary of the interior to the attorney general and his opinion was made public last Saturday. The questions were whether there was any law authorizing a lease of Indian lands to whites for any purpose by any person, or for approving the same by any department or official.

"Questions," writes the attorney general, "are propounded with reference to certain Indian reservations, namely: First Cherokee lands in the Indian Territory west of 96 degrees of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians. Second, the Cheyenne and Arapahoe reservation, in Indian Territory. Our government has ever claimed the right and from a very early period, its settled policy has been to regulate and control the alienation or other disposition by Indian nations or tribes of their lands. This policy was originally adopted in view of their peculiar character and habits, which render them incapable of sustaining any other relations with the whites than that of dependence and pupillage."

A number of statutory provisions, some of them enacted last century, are then quoted in support of this assertion. "The last named section," 2116, revised statutes, "declares 'no purchase, grant, lease or other conveyance of lands, or any title or claim thereto from any Indian nation or tribe of Indians shall be of any validity in law or equity unless the same be made by treaty or constitution.'"

"This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the lands which tribe or nation may hold. Whether such title be fee simple or right of occupancy merely is not material. In either case the statute applies. It is not therefore deemed necessary or important, in connection with the subject under consideration to inquire into the particular right or title to the above mentioned reservations held by Indian tribes or nations respectively, which claim that whatever the right or title may be each of these tribes or nations are precluded by the force and effect of the statute from either alienating or leasing any part of its reservation, or imparting any interest or claim in the same without the consent of the government of the United States. A lease of land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live stock upon the Indian reservation under the description, made in violation of the statute, is an intruder and may be removed therefrom as such, notwithstanding his treaty with the consent of the tribe. Such consent may exempt him from the penalty imposed by section 2,117, revised statutes, for taking his stock there; but it cannot validate the lease or confer upon him any legal right whatever to remain upon the land; and to this extent and no further, was the decision of Judge Brewer, in the United States vs. Hunter, 21, federal reports 615. But the present inquiry is, what is the power of the Indian department of the interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the president or secretary of the interior would make them lawful or valid. Whether the president or the department has authority to lease for such purposes any part of an Indian reservation."

"I submit that the power of the department to authorize such leases is to be made, of the president or the secretary to approve or make the same, if it exist at all, rests upon some law, and must therefore be derived from either a treaty or a statutory provision. I am not aware of any treaty provision applicable to the particular reservations in question that confers such powers. The revised statutes contain provisions regulating contracts or agreements with Indians and prescribing how they shall be executed and approved (section 2,103) but these provisions do not include contracts of the character described in section 2,116, hereinbefore mentioned. No general power appears to have been conferred by the statute upon either the president or the secretary, or other officer of the government to authorize or approve leases of lands held by Indian tribes, and the absence of

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such power is doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, to authorize the Seneca nation of New York Indians to lease lands within the Cattaraugus and Alleghany reservation and to confirm existing leases. The act just cited is more-over significant as showing that in view of the action of congress, Indian tribes cannot lease their reservations without some authority of some law of the United States. In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

THE INDIAN PROBLEM.

The Century magazine for August has a paper (with map) on the Indian country by Henry King. We take it this is the same Henry King that is employed as an editorial writer on the Globe-Democrat, and if so his ability is recognized to the extent of \$5,000 per annum. The following extract is from the article in question: "Unquestionably the first necessity of the situation is to strengthen, perfect and make uniform the land titles of the territory. This can most safely and successfully be accomplished, it is believed, by allotting lands to the Indians in severalty—at the rate, say, of 160 acres per head—and giving them personal titles thereto, inalienable for a stipulated number of years, and providing for the disposal, at government prices, of the unallotted and remaining portions of their reservations, for their benefit, to white settlers. In an allotment of this kind, twelve million two hundred and fifty thousand acres would give each Indian, male and female, adult and child, one hundred and sixty acres, leaving over two-thirds of the whole territory to be sold on their account—enough to bring them, at a low estimate, forty million dollars, or more than five hundred dollars per capita. Such allotment and issuance of individual patents would involve, of course, the dissolution of tribal relations—another desirable step in the adjustment of the general question; and the Indian would thus be put upon an even footing with the white man as to the opportunities and advantages of personal independence. At the same time, the laws common throughout the states for the punishment of crime and the enforcement of contracts should be extended over the territory, and courts established to administer them. In short, the flimsy theory of tribal sovereignty should be extirpated, the reservation system replaced by fee simple grants in severalty, the surplus lands opened to white settlement, and the Indians placed under the restraint and protection of ordinary and impartial laws, with a view to making them self-reliant and self-supporting."

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